

ACTIVE GUARD/RESERVE (AGR) Members ONLY - ANG / ARNG

EQUAL OPPORTUNITY COMPLAINT PROCEDURES NGR (AR) 600-22/ANGI 36-3 NATIONAL GUARD MILITARY DISCRIMINATION COMPLAINT SYSTEM		
WHO MAY FILE A COMPLAINT	•AGR Title 32 USC Status ONLY •Recipients of National Guard services Beneficiaries of NG under Title VI, Civil Rights Act 1964 PARA 1-6	
BASIS	•Race, Color, Religion, Gender (Sexual Harassment), National Origin, Reprisal (based on EO activity in a matter subject to control of the NG) Complaints based on age or handicaps are not addressed in the case of military members due to overriding military concerns of fitness and deployability. PARA 1-6.a.	
TIME LIMITS	Complaint MUST be filed 180 calendar days from date of alleged discrimination or when complainant should have known Para 1-8.a.	
INFORMAL COMPLAINT ACTIONS REQUIRED	•In writing on NGB form 333, Jul 00 Para 2-1.a. •Complainant will check and initial “Informal” box only • No case number assigned •Seek assistance Military Equal Opportunity (MEO) or Equal Opportunity Advisor (HR/EO) Para 2-1.b. Full-time supervisors have 14 calendar days, to resolve the complaint in behalf of and in coordination with the military commander Para 1-9.c. (Process complaints Chapter 2) •If unresolved after 14 days, forward to the next level, provide a copy of the inquiry to complainant who will have 14 days to file an appeal with the next level. Para 1-9.d. •Provide appropriate feedback to the complainant on the status of his/her complaint Para 1-9.e. •If unresolved after 14 days complainant may: •Withdraw complaint, complainant must sign NGB form 333 or •Make formal, complainant must sign NGB form 333 (Only means of appeal is to file a formal complaint) •Complainant will check & initial “Formal” box, NGB form 333	
	•• If settled or withdrawn, forward the entire case file to the SEEM	
INVESTIGATION INQUIRY & RESOLUTION	•Chapter 3, NGR 600-22/ANGI 36-3 Authority to conduct EO Investigation (Not an AR 15-6) •Collect facts; develop information sufficient for an objective determination of factual merits of each allegation. • Obtain testimony under oath Para 3-6.a. •Written Report of Investigation (ROI) Para 3-6.g. NO complainants, officials complained about or other witnesses or officials other than the investigating officer have a right to be present during the interview of other witnesses. Para 3-2.c.	
CONDUCT INQUIRIES OR SUPPLEMENTAL INQUIRIES	•The Commander or unit personnel complete procedural review and attempt resolution Thirty (30) days from receipt of complaint from subordinate unit •HR/EO or MEO personnel advise inquiry officers ONLY. EO does not conduct inquiries Para 2-4 If it reaches the Adjutant General level unresolved: Ninety (90) calendar days to: Para 2-8 •Attempt resolution • Order an investigation (if one has not been completed) •Review for legal / administrative compliance • Provide complainant a redacted copy of the ROI •Request NGB Final Agency Decision	
NGB REVIEWS ROI	•Compliance with Laws & Regulations Para 2-9 •Final Decision / Admin Closure Para 2-10/2-11	
Additional Notes		
✓ Disciplinary action against the individual responsible for substantiated discrimination is within the discretion of the commander and not the right of the complainant to demand as part of a resolution. Punitive action may be appropriate and should be considered by the commander as a means of maintaining good order and discipline; it does nothing in terms of restoring any benefits or privileges lost by the complainant as a result of the discrimination. Para 2-1.d. ✓ Anonymous complaints alleging discrimination received by State NG officials will not be processed IAW Para 1-7.h. ✓ Any person who knowingly submits a false equal opportunity complaint (a complaint containing information or allegations that the complainant knew to be false) may be subject to judicial or non-judicial punishment. Para 1-7.i. ✓ Complaint number assigned when NGB physically receives complaint file.(NGB-EO Memorandum, June 24, 2003) ✓ Does not apply to AGRs activated serving in Title 10 status		
POINTS of CONTACT	☎ State Equal Employment Manager	502-607-1274 ANG/ARNG
	☎ HQ STARC HR/EO	502-607-1307 ARNG
	☎ Senior Command Equal Opportunity Advisors	LTC Tyson, MSG Meriwether
	☎ ANG – Military Equal Opportunity Office	Capt. Boyd, 502-364-9094